



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष १, अंक २४]

शुक्रवार, डिसेंबर ११, २०१५/अग्रहायण २०, शके १९३७

[पृष्ठे १५, किंमत : रुपये ३६.००

असाधारण क्रमांक ५७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 11th December, 2015 is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

L. A. BILL No. LXV OF 2015.

A BILL

further to amend the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act.

LXVII of 1948. WHEREAS it is expedient further to amend the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands Act, 1950. (Vidarbha Region) Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Tenancy and Agricultural Lands, Hyderabad Tenancy and Agricultural Lands and Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2015. Short title.

भाग पाच-अ ५७-१
(एचबी-१८५८).

(१)

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS ACT.

Amendment of section 63 of Act LXVII of 1948. **2.** In section 63 of the Maharashtra Tenancy and Agricultural Lands Act (hereinafter referred to as “the Maharashtra Tenancy Act”), after sub-section (1B), the following sub-section shall be inserted, namely :—

“(1C) Nothing in sub-section (1) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional Plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force : Mah. XXXVII of 1966.

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land :

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time :

Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, within a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such original land holder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original land holder for such non-agricultural use :

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from

the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction :

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent. of the market value of such land as per current Annual Statement of Rates.”.

3. In section 63-1A of the Maharashtra Tenancy Act,—

Amendment of
section 63-1A of
LXVII of 1948.

(I) in sub-section (1),—

(a) in the principal clause, for the words, “or for special township projects, as the case may be,” the words “or for Integrated Township Projects, as the case may be,” shall be substituted ;

(b) for clause (i), the following clause shall be substituted, namely:—

“(i) the agricultural zone of a draft or final Regional Plan or draft or final Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or ”;

(c) in clause (iii), for the words “of a special township project” the words “of an Integrated Township Project” shall be substituted;

(d) for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase:

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time :

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collector shall vest in the Government, free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such land holder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original land holder for such *bona fide* industrial use :

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or Regional Plan or Town Planning Scheme, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force ; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction :";

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of 1966.

(II) in sub-section (2),—

(a) for the words "for special township project" the words "for Integrated Township Project" shall be substituted ;

(b) the following proviso shall be added, namely :—

"Provided that, if such purchaser fails to deposit such amount within one month, then such purchaser shall pay to the Government an amount equal to seventy-five per cent. of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher.";

(III) in sub-section (3), for the words “or for special township project, as the case may be,” the words “or for Integrated Township Project, or as the case may be, shall” shall be substituted ;

(IV) after sub-section (4), the following sub-section shall be added, namely :—

“(5) If the person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso to sub-section (1), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(i) where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector the transfer charges at the rate of twenty-five per cent. of the market value of such land as per the current Annual Statement of Rates ;

(ii) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional Plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, the transferor shall have to deposit with the Collector conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, an additional amount equal to forty-eight per cent. of the price at which such land was originally purchased, in lieu of the *nazarana*.”;

(V) in the *Explanation*,—

(i) in clause (a), for the words “power projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned” the words “ power projects and ancillary industrial usage like research and development units pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned” shall be substituted ;

(ii) for clause (aa), the following clause shall be substituted, namely :—

“(aa) “Integrated Township Project” means the Integrated Township Project or projects under the Regulations framed for development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force.”.

CHAPTER III

AMENDMENTS TO THE HYDERABAD TENANCY AND AGRICULTURAL LANDS
ACT, 1950.

Amendment
of section 47
of Hyd. XXI
of 1950.

4. In section 47 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the Hyderabad Tenancy Act"), after sub-section (3), the following sub-section shall be inserted, namely :—

Hyd. XXI
of 1950.

"(3A) Nothing in sub-section (1) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force :

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of 1966.

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of 1966.

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land :

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time :

Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, within a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such original land holder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original land holder for such non-agricultural use :

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having

accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction :

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently, before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent of the market value of such land as per current Annual Statement of Rates.”.

5. In section 47A of the Hyderabad Tenancy Act,—

Amendment of
section 47A of
Hyd. XXI of
1950.

(I) in sub-section (1),—

(a) in the principal clause, for the words “or for special township project, as the case may be,” the words “or for Integrated Township Project, as the case may be,” shall be substituted ;

(b) for clause (i), the following clause shall be substituted, namely:—

“(i) the agricultural zone of a draft or final Regional Plan or draft or final Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or”;

(c) in clause (iii), for the words “of a special township project” the words “of an Integrated Township Project” shall be substituted ;

(d) for the first and second provisos, the following provisos shall be substituted, namely :—

“Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase :

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collector shall vest in the Government, free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such land holder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original land holder for such *bona fide* industrial use:

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or the Regional plan, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force ; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction : ”;

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of 1966.

(II) in sub-section (2),—

(a) for the words “for special township project” the words “for Integrated Township Project” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, if such land purchaser fails to deposit such amount within one month, then such purchaser shall pay to the Government an amount equal to seventy-five per cent of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher.”;

(III) in sub-section (3), for the words “or for special township project, as the case may be,” the words “or for Integrated Township Project, as the case may be,” shall be substituted;

(IV) after sub-section (4), the following sub-section shall be added, namely :—

“(5) If the person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso to sub-section (1), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(i) where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector the transfer charges at the rate of twenty-five per cent. of the value of such land as per the current Annual Statement of Rates ;

(ii) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, the transferor shall have to deposit with the Collector the conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, an additional amount equal to forty-eight per cent. of the price at which such land was originally purchased, in lieu of the *nazarana*.”;

(V) in the *Explanation*,—

(i) in clause (a), for the words “power projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned” the words “power projects and ancillary industrial usage like research and development units pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned” shall be substituted ;

(ii) for clause (aa), the following clause shall be substituted, namely :—

“(aa) “Integrated Township Project” means the Integrated Township Project or projects under the Regulations framed for development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force.”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT.

XCIX of 1958. **6.** In section 89 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (hereinafter referred to as “the Vidarbha Region Act”), after sub-section (1B), the following sub-section shall be inserted, namely :—

“(1C) Nothing in sub-section (1) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New

Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force :

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of 1966.

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of 1966.

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land:

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, with a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such original land holder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original land holder for such non-agricultural use :

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction :

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently, before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent. of the market value of such land as per current Annual Statement of Rates.”.

7. In section 89A of the Vidarbha Region Act,—

Amendment of
section 89A of
XCIX of 1958.

(I) in sub-section (I),—

(a) in the principal clause, for the words “or for special township projects, as the case may be,” the words “or for Integrated Township Projects, as the case may be,” shall be substituted ;

(b) for clause (i), the following clause shall be substituted, namely :—

“(i) the agricultural zone of a draft or final Regional Plan or Draft or final Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or”;

(c) in clause (iii), for the words “of a special township project” the words “of an Integrated Township Project” shall be substituted ;

(d) for the first and second provisos, the following provisos shall be substituted, namely :—

“Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase :

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement of Rates published under the Bombay Stamp

(Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time :

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collector shall vest in the Government, free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such land holder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original land holder for such *bona fide* industrial use :

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or Regional Plan or Town Planning Scheme, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force ; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction :”;

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XXXVII
of 1966.

(II) in sub-section (2),—

(a) for the words “for special township project” the words “for Integrated Township Project” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, if such purchaser fails to deposit such amount within one month, then such purchaser shall pay to the Government an amount equal to seventy-five per cent. of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher.”;

(III) in sub-section (3), for the words “or for special township project, as the case may be,” the words “or for Integrated Township Project, as the case may be,” shall be substituted ;

(IV) after sub-section (4), the following sub-section shall be added, namely :—

“(5) If the person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso to sub-

section (1), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(i) where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector the transfer charges at the rate of twenty-five per cent. of the market value of such land as per the current Annual Statement of Rates ;

(ii) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional Plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, the transferor shall have to deposit with the Collector conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, an additional amount equal to forty-eight per cent. of the price at which such land was originally purchased, in lieu of the *nazarana*.”;

(V) in the *Explanation*,—

(i) in clause (a), for the words “power projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned”, the words “power projects and ancillary industrial usage like research and development units pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned” shall be substituted ;

(ii) for clause (aa), the following clause shall be substituted, namely :—

“(aa) “Integrated Township Project” means the Integrated Township Project or projects under the Regulations framed for development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force.”.

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STATEMENT OF OBJECTS AND REASONS

At present, three different Tenancy laws, namely, the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948), the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (XCIX of 1958) are in operation in the State. Sections 63, 47 and 89 of the respective Tenancy laws bar transfer of agricultural land to a person who is not an agriculturist, except with the permission of the Collector. Sections 63-1A, 47A and 89A of the respective Tenancy Laws provide for transfer of agricultural land to non-agriculturist for *bona fide* industrial use, without permission of the Collector.

2. With a view to promoting industrial and economic development in the State by facilitating the industrial and other investments in the State of Maharashtra, it is necessary to simplify the provisions of various laws. However, while facilitating the investment process and granting concessions for industrial and other development, it is also necessary to ensure strict Monitoring of use of such facilities and concessions so that end results are clearly seen.

3. Therefore, there is a need to provide simplified procedure for purchase of agricultural land for non-agricultural use in municipal areas and new towns and the areas of Regional Plans allocated to non-agricultural user. For this purpose, it is proposed to amend the said sections 63, 47 and 89 of the respective Tenancy Laws to remove bar on transfer of agricultural land to a person who is not an agriculturist in such areas, subject to the following conditions, namely :—

(i) It shall be mandatory for the non-agriculturist to use such transferred land for non-agricultural purpose within a period of five years, which may be extended upto five more years on payment of certain non-utilization charges ;

(ii) Further transfer of such land within the total period of ten years may be permitted subject to payment of transfer fee ;

(iii) In case of non-utilization of such land by the non-agriculturist for non-agricultural purposes within the specified period, the Collector shall be empowered to resume such land and to sell it first to the original land holder and in case of default by the original land holder to purchase such land, to auction the same.

4. The said sections 63-1A, 47A and 89A of the respective Tenancy Laws are also proposed to be amended to provide similar conditions in respect of transfer of agricultural land for *bona fide* industrial use. It is also proposed to delete the provision of obtaining prior permission of the Development Commissioner (Industries) or any other authorized officer for transfer of land exceeding ten hectare for *bona fide* industrial use.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 6th December 2015.

EKNATHRAO KHADSE,

Minister for Revenue.

**GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207
OF THE CONSTITUTION OF INDIA**

**(Copy of Government of Maharashtra Order, Law and
Judiciary Department)**

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Tenancy and Agricultural Lands, Hyderabad Tenancy and Agricultural Lands and Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2015.

Vidhan Bhavan :

Nagpur,

Dated the 11th December, 2015.

Dr. ANANT KALSE.

Principal Secretary,

Maharashtra Legislative Assembly.